

DCI/DDCI
Approved For Release 2001/09/07 : CIA-RDP76M00527R000700210009-2
Routing Slip

TO:

		ACTION	INFO.			ACTION	INFO.
1	DCI			11	LC		
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3	S/MC			13	Compt		
4	DDS&T			14	Asst/DCI		
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10	GC			20			

SUSPENSE

Date

Remarks:

See clip -
"Thousands"

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1

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Acting Legislative Counsel

EXTENSION

6121

NO.

DATE

10 September 1974

TO: (Officer designation, room number, and building)

DATE

RECEIVED

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OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

Director

9/13

9/16

wcc / bjp

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Attached for your signature is our proposed reply to Chairman Holifield on H. R. 15577. The bill is similar to S. 1726 introduced in 1973 by Senator Gravel. Our response is similar to our response to that bill. The letter must go to OMB before going to the Committee. This has been coordinated with OGC

Acting Legislative Counsel

74-2025/B

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OLC 74-1433/a

Honorable Chet Holifield, Chairman
Committee on Government Operations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for our views on H.R. 15577, which clarifies certain exemptions from the disclosure requirements of the Freedom of Information Act, and provides guidelines and limitations for the classification of national defense information.

This Agency fully supports the objective of H.R. 15577 of increasing the disclosure of Government information. Wherever possible, we do disclose ~~our~~ information publicly. For example, we publish unclassified daily transcripts of foreign radio broadcasts and monthly lists of foreign government officials. We regularly brief Congressional committees and when possible have released transcripts of these briefings after appropriate screening. An Agency program instituted pursuant to the Freedom of Information Act and Executive Order 11652 has brought about the declassification ~~and release~~ of thousands of documents. *Most of these are over twenty-five years old.*

Although we are eager to provide as much information as we can on an unclassified basis, the Central Intelligence Agency is not a public information agency. It was established to provide the intelligence and assessments required for the President's national defense and foreign policy decisions. Our ability to provide accurate and precise foreign intelligence to the President, the National Security Council and to the Congress depends heavily upon the acquisition and maintenance of productive sources and effective methods of collection and analysis.

Preservation of these sources and methods is absolutely dependent on their secrecy. I believe it was for this reason that Congress, in the National Security Act of 1947, as amended (50 U. S. C. A. 403) directed that:

"... The Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

As former Chairman and a current member of the Joint Committee on Atomic Energy you have received much highly classified information which was acquired from sensitive intelligence sources and methods, some of which are human sources. I am sure you can appreciate that a strategically placed individual in a foreign government would not cooperate with this Agency if there were any possibility that the information he provided in confidence might be declassified without his approval.

H. R. 15577 limits the classification of information in the national defense to one designation, "Secret Defense Data," and provides a very stringent test for the classification of such material. Only material which, if disclosed, would adversely affect the ability of the United States or an ally to protect itself against hostile action may be so designated. An intelligence document can reveal Intelligence Sources and Methods and warrant protection even though the substantive information conveyed does not jeopardize the defense of the United States or an ally. Thus, the criteria for protection of "Secret Defense Data" under H. R. 15577 is not sufficiently broad to protect Intelligence Sources and Methods.

The Central Intelligence Agency, as the central repository for all foreign intelligence information, originates, receives, and files hundreds of thousands of documents yearly. Under H. R. 15577, these documents would be automatically declassified two years after classification unless the Director of Central Intelligence personally justifies in writing the continued protection of each document. It would be an impossible burden for the Director to personally review every classified document biannually, yet the review cannot be waived, and cannot be delegated. Because of the sheer volume of classified information we maintain, this Agency and I personally simply could not operate under this arrangement.

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Replacing current classification levels with the single designation "Secret Defense Data" would significantly increase the cost of protecting and controlling classified material. In order to ensure the protection of particularly sensitive information under H. R. 15577, it would be necessary to handle all classified information with the highest controls and safeguards, presently used for only Top Secret material. Also, our costs of investigating personnel for security clearances would rise. Many contract personnel have access to only Confidential or Secret information and the security clearance processing is less rigorous for access to these levels of information. If the only classification permitted is "Secret Defense Data," we would have to conduct our most thorough and expensive background investigation for all employees. Of course, Congress may decide that the advantages of a single classification outweigh these increased costs.

H. R. 15577 grants the Comptroller General broad authority to oversee the Agency's classification program. This authority would raise a question of statutory conflict with the Director's responsibility to protect Intelligence Sources and Methods.

In summary, H. R. 15577 would have a deleterious effect on the pursuit of this Agency's mission, because it would provide inadequate protection for vital Intelligence Sources and Methods and its requirement to review all classified information biannually would create an impossible administrative burden. I must, therefore, oppose enactment of H. R. 15577 in its present form. If the bill is given favorable consideration, it is requested that the Central Intelligence Agency be granted a full exemption.

The Office of Management and Budget advises there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

W. E. Colby
Director

Distribution:

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